IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25057 of 2005

Between:

U.Venkateswarlu and another

..... PETITIONERS

AND

The Joint Collector (Civil Supplies),

Krishna at Machilipatnam and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 to 3 in taking steps to reduce the existing kerosene quota of the petitioners, without issuing any notice, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that the petitioners are the fair price shop dealers. It is further stated that apart from distribution of essential commodities, 608 litres of kerosene was allotted to the 1st petitioner and 400 litres of kerosene was allotted to the 2nd petitioner for distribution to the cardholders. It is further stated that pursuant to the orders of this Court in W.P.No.23734 of 2005, dated 07.11.2005, the respondents 1 to 3 are trying to reduce the supply of quota of kerosene to the petitioners.

W.P.No.23734 of 2005 is filed by retail Kerosene Dealer and Hawker Association, contending that the respondents therein have been illegally reducing the quota of kerosene allotted to them and therefore, they have made a representation on 21.10.2005 and in those circumstances, the said writ petition was disposed of, directing the respondents therein to consider and dispose of the representation of the petitioners therein dated 21.10.2005, in accordance with law.

The learned Government Pleader for Civil Supplies submitted that the apprehension of the petitioner is without any foundation, and in fact, no quota has been reduced.

Without there being any representation filed before the respondents, the petitioners straight away filed this writ petition. Having regard to the facts and circumstances of the case, I am of the opinion that the writ petition is premature and only on apprehension, the writ petition has been filed, without there being any cause of action, and hence the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

Dated: 28.11.2005

Dsr